Illinois Coalition for LEGAL REFORM

Ban Jury Anchoring in Illinois: End the Practice of Manipulating Jurors

Trust jurors to award damages based on evidence presented at trial and their own values and experiences

Jury anchoring is a tactic that plaintiffs' lawyers use to manipulate juries into awarding inflated noneconomic damages, such as for pain and suffering. It influences jurors to reach damage awards that far exceed levels they would reach if left to decide an amount based on the evidence presented at trial, and their life experience and values. It's past time to pass legislation to prevent any party from referring to a specific amount, range, formula, or units of time to suggest an amount for the jury to award as noneconomic damages.

ANCHORING IS UNCHECKED IN ILLINOIS COURTS

- Lawyers have free rein to suggest to juries a total amount they should award for a plaintiff's pain and suffering.
- Lawyers have repeatedly circumvented a court-adopted prohibition on the use of mathematical formulas to determine damages.
- Because of this, Illinois is one of the top five states for nuclear verdicts ($10 million or more) in personal injury and wrongful death cases, the largest component of which is noneconomic damages.

PLAINTIFF ANCHORING TACTICS MANIPULATE JURORS

- Juries will often be significantly and substantially influenced by a figure suggested by plaintiffs' counsel and use that number as a base, or "anchor," for determining the amount of noneconomic damages to award.
- Noneconomic damages are subjective, so the suggested anchor amount may be arbitrary, and have no correlation to actual evidence to influence the jury's estimation of value.
- Once a lawyer provides an anchor, jurors often either accept the suggested amount or compromise by negotiating it upward or downward.
- Plaintiffs' lawyers are coached to use this tactic to manipulate their way to higher awards.

UNFAIR ANCHORING HURTS PLAINTIFFS

- Anchoring practices may help a plaintiff's lawyer obtain an excessive verdict, but these awards often result in lengthy appeals.
- Plaintiff recoveries are often delayed as defendants fight against demands that reflect the unrealistic chance for multimillion dollar pain and suffering awards.

OTHER STATES HAVE CURBED ANCHORING TACTICS

- Unlike many other states, Illinois has no statutory limit on noneconomic damages in medical liability or other personal injury cases.
- Several states already prohibit a party from arguing that a jury either award a specific amount of noneconomic damages or use a per diem to calculate a noneconomic damage award, or both.

It's time for lawmakers to pass legislation to enable juries to determine an appropriate amount of compensation without being manipulated by attorneys.